

REMARKS

Claims 1-2 were originally presented in the subject application. Claims 1 and 2 have hereinabove been amended, and claims 3-8 added, to more particularly point out and distinctly claim the subject invention. No claims have herein been canceled. Therefore, claims 1-8 remain in this case.

Applicants wish to point out that item 10 in the Office Action Summary was left blank. Thus, **Applicants request an indication as to whether the drawings are accepted.**

The addition of new matter has been scrupulously avoided. In that regard, Applicants submit the amendments to claim 1 find support in claim 1 as filed. The amendment to claim 2 finds support in the specification at, for example, numbered paragraph 0032 in light of numbered paragraph 0009. The addition of claims 3-8 also find support in claim 1 as filed.

Applicants respectfully request reconsideration and withdrawal of the grounds of rejection and objection.

35 U.S.C. §112 Rejection

The Office Action rejected claims 1-2 under 35 U.S.C. §112, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. In particular, the Office Action pointed out a number of alleged antecedent basis issues with respect to claim 1, and objected to the term “may” in claim 2 as allegedly omnibus.

In response, Applicants have amended the claims to address the concerns of the Examiner, as well as others. As amended, Applicants submit the claims are in proper form.

35 U.S.C. §103 Rejection

The Office Action rejected claims 1-2 under 35 U.S.C. §103(a), as being obvious over Bi (U.S. Patent No. 5,136,612) in view of Sebire (U.S. Patent No. 7,145,896). Applicants respectfully, but most strenuously, traverse this rejection as it applies to the amended claims.

As amended, claim 1 recites a method for IDMA signal transmission. The method comprises assigning a code to each user, encoding a source data sequence to create a coded source data sequence for each user using an encoder assigned to that user, and interleaving each coded source data sequence so as to modify an order of the coded source data sequence to produce an interleaved data sequence, wherein interleaved data sequences from different users are distinguished by using different interleaving schemes. The method further comprises assigning a pre-calculated power level to each user, wherein the power level is different for at least some users, and transmitting the interleaved data sequence for each user using the assigned pre-calculated power level for that user.

Against the aspect of the assigned codes having the same or different rates for different users (moved into claims 5 and 6, respectively), the Office Action cites to Bi at column 4, lines 3-12. However, a careful review of the cited section indicates that Bi is ambiguous regarding the rate. While the PN sequence is said to be a binary code with random values, it merely indicates that the frequency greatly exceeds the frequency or bit rate of the incoming signal. However, this says nothing as to whether the rate is the same or different for different users.

As another example, against the claim 1 aspect of assigning a pre-calculated power level to each user, the Office Action cites to column 4, lines 55-60. However, the cited section merely discloses that the transmission power is controlled by the power control in order to reduce interchannel interference. Applicants submit this disclosure cannot fairly be interpreted to disclose assigning different power levels to different users.

As still another example, with regard to the claim 1 aspect of interleaved data sequences from different users are distinguished by using different interleaving schemes, the Office Action indicates that Bi is silent. Instead, the Office Action cites to Sebire at column 6, lines 39-42. However, Applicants submit that the cited section of Sebire discloses the use of different coding and interleaving schemes for different quality of service requirements, and not to distinguish different users. See the sentences preceding that cited in Sebire at column 6, lines 32-39. Thus, for example, two or more different users in Sebire having the same quality of service requirements could use the same coding and interleaving schemes.

The remarks above apply equally to independent claim 3, and the claims depending from claims 1 and 3.

As a side matter with regard to Sebire, the Office Action alleges that it is well known in the art that every mobile station may use different coding and interleaving schemes. Applicants do not acquiesce to this general allegation for at least the reasons noted above with respect to Sebire.

Therefore, for at least the reasons noted above, Applicants submit that the claims are not obviated over Bi in view of Sebire.

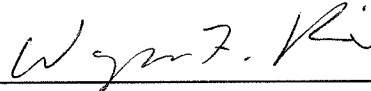
CONCLUSION

Applicants submit that the dependent claims not specifically addressed herein are allowable for the same reasons as the independent claims from which they directly or ultimately depend, as well as for their additional limitations.

For all the above reasons, Applicants maintain that the claims of the subject application define patentable subject matter and earnestly request allowance of claims 1-8.

If a telephone conference would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Wayne F. Reinke", is written over a horizontal line.

Wayne F. Reinke
Attorney for Applicants
Registration No.: 36,650

Dated: September 25, 2007.

HESLIN ROTHENBERG FARLEY & MESITI P.C.
5 Columbia Circle
Albany, New York 12203-5160
Telephone: (518) 452-5600
Facsimile: (518) 452-5579